

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIV 99-1448 KBM

RUBEN ESCANDON a/k/a
RUBEN J. ESCANDON,

Defendant.

**MAGISTRATE JUDGE’S PROPOSED FINDING AND RECOMMEND
DISPOSITION CONCERNING CERTAIN POST-JUDGMENT MOTIONS**

This matter is before the Court on Defendant’s Notice of Incarceration, which I have construed as a motion to reopen default judgment (*Doc. 11*), and on Plaintiff’s Motion for Reconsideration of Order Construing Notice as Motion to Reopen Default Judgment (*Doc. 13*). Defendant has responded to Plaintiff’s Motion to Reconsider and acknowledges having received the complaint. Escandon concedes that he is obligated to pay on the student loans, but argues that he is unable to repay those amounts because of his incarceration. The Court, therefore, having reviewed the motions, the memoranda submitted by the parties and the relevant authorities finds that Defendant has alleged no grounds sufficient to warrant the reopening of the default judgment entered against him.

Wherefore,

IT IS HEREBY RECOMMENDED THAT:

1. Defendant's Notice of Incarceration (construed as Motion to Reopen Default Judgment) (*Doc. 11*) be DENIED; and,
2. Plaintiff's Motion for Reconsideration of Order Construing Notice as Motion to Reopen Default Judgment (*Doc. 13*) be DENIED as moot.

THE PARTIES ARE FURTHER NOTIFIED THAT WITHIN 10 DAYS OF SERVICE of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the United States District Court pursuant to 28 U.S.C. § 636 (b)(1). **A party must file any objections within the ten day period allowed if that party wants to have appellate review of the proposed findings and recommended disposition. If no objections are filed, no appellate review will be allowed.**


UNITED STATES MAGISTRATE JUDGE